

**STATEMENT FOR THE RECORD
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FOR THE UNITED STATES SENATE SUBCOMMITTEE ON BORDER AND
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I want to thank Chairman McCaul, Ranking Member Thompson, Chairman Miller, Ranking Member Jackson-Lee, and other distinguished Members of the Committee and Subcommittee for inviting me to testify before this Committee again, albeit in a different capacity from the many times I came before you while serving in government. The effort of this Committee is critically important in advancing the dialogue on how we can continue to improve the level of security of our borders as just one critical component of a comprehensive strategy and one that enhances the protection of our homeland. I want to state clearly that I am submitting this Statement for the Record in my personal capacity, although, for the record, I am a Principal of The Chertoff Group, a global security and risk management firm that provides strategic advisory services on a wide range of security matters, including border security.

Before addressing some of the specific approaches to achieving a higher level of border security, I would like to offer how I view this matter. It is from the perspective that we need to look at how to secure our borders more holistically. Too often the focus is just on the southwest land border and more specifically between authorized Ports of Entry (POE) but there is not always sufficient attention focused on the ports themselves. This Subcommittee is well aware of the current environment and challenges facing U.S. Customs and Border Protection. As you all know well, the agency is responsible daily for patrolling and providing security for over 7,000 miles of land borders and 95,000 miles of coastal shoreline. At our nation's Ports of Entry, CBP interacted with 350 million travelers entering the United States, along with screening 2.3 trillion dollars in cargo; but, comingled in with that legitimate travel and trade, there is a significant amount of criminal activity that gets discovered every day and more emerges as we continue to strengthen our posture between POEs. In the last year, CBP Officers arrested 7,700 people wanted for violent crimes along the border and prevented 145,000 inadmissible aliens from entering the United States. Let me just pause on that for a moment, and offer that is a number that we need to monitor more closely as we determine levels of control or security of our borders. Further, in my view it also needs to be included in the calculus as we measure effectiveness and not just focus on apprehensions by CBP between the POEs, which during the same period was just under 365,000.

To achieve the level of control that we have today, and since the creation of the Department of Homeland Security, our government has deployed historic levels of increased personnel, infrastructure, and technology. Border Patrol personnel are at the highest level in history. Currently, over 21,000 Border Patrol Agents are accountable for protecting both the northern and southern borders. In 2003, there was just over 10,000 Agents, and, I would posit, the benefit has been realized by this much needed increase in personnel. For infrastructure, CBP personnel are supported by 651 miles of fencing that has greatly mitigated the threat of vehicle

drive-throughs that once happened with great frequency in very porous parts of the southwest border. Tactical roads have been constructed and complemented with high-intensity lighting so that our Agents are able to extend patrols to remote areas and do so in a more effective fashion than before and thereby increasing officer safety. CBPs situational awareness has also been greatly improved due to historic levels of technology successfully deployed. Unmanned Aircraft Systems (UASs) now routinely patrol our border and are complemented by a wide range of other ground, truck, or tower mounted sensors so that CBP personnel are more adept at being to detect and identify more threats as they approach our border and also, increase the probability apprehension of people looking to enter illegally or those smuggling contraband across our borders.

Although the border is more secure than it has ever been in recent history, none of us are satisfied, as we recognize that there is much more that needs to be done in order to achieve a comprehensive border security plan. We need to address the changing threat landscape and be prepared not only for where the threat is today, but anticipate where it will shift in the coming months and years. It goes without saying that our adversaries are constantly adapting and adjusting to our strategies so the U.S government needs to be as flexible and convertible in our response to the ever changing patterns of smuggling. As the House and the Senate consider approaches to border security, I would respectfully advise that this point needs to be carefully considered as we make the wisest investment decisions we possibly can with the shrinking budget dollars available. It is not about mandating response requirements based today's threat, but more about a risk environment that is always changing.

For example, the most recent Senate bill authorized doubling the current number of Border Patrol Agents. From my experience, a more prudent first step would be to evaluate how the current deployment of personnel is being utilized, and determine, through a review of well-established resource allocation models, how to reassign agents to where the threat has moved versus what appears to be arbitrary increases. Further, while in the end there will likely be the need for some marginal increases in Border Patrol Agents, other critical law enforcement positions need to be thoughtfully considered such as: CBP Officers to address the increased threat at the POEs, pilots to fly planes and personnel to captain the boats to address the shifting threat into the maritime domain. Another reason to study personnel needs very closely is that resources are an expensive and a long-term commitment. Finally, it would be my recommendation that as personnel needs are identified, and as Congress considers resources for border security, the executive branch of government be given the latitude to make the determination of where personnel are to be stationed and also determine which types of positions are most needed to respond most effectively to a shifting threat environment.

The Senate bill also provides for the construction of additional fencing. As with resources, here too is another area where thoughtful consideration is required to fully determine what is actually needed. In preparation for the "Secure Fencing Act of 2006," a meticulous mile by mile survey was conducted to ascertain whether adding fencing would be a useful addition to the security landscape and, an analysis of alternatives (more personnel or technology) included to determine how best to address the threat. Tactical fence effectively deters, stops, or slows the ability of unauthorized entry across the border and the result of the study in 2006 was a subsequent proposal to build 651 miles of fence. Before allowing additional fencing to be built,

it makes sense to follow that same mile by mile analysis today to ensure that it is the best use of resources or consider more investment in technology that is perhaps more transportable and able to be relocated against our shifting threat.

At this time, legislation has also been proposed that supports the inclusion of a metric to gauge visibility and control of the border by quantifying apprehensions into a percentage demonstrating effectiveness. The proposed formula suggests that border security success can be measured by the number of apprehensions divided by the total number of illegal crossings into the United States. As I can attest, across the 4 decades I spent in government, there have been numerous studies inside and outside of government commissioned to try and determine the “flow” or “getaway” rates, all of which have not succeeded. At least to this point in time, there is no proven methodology to definitively know how many illegal migrants successfully entered the United States. Regardless of the aforementioned apprehensions will still be a critical measure but other metrics need to be considered such as: intelligence indicators, displacing current patterns of smuggling, local border crime rates and other relevant third party measures. However, while this is being debated we should stipulate that while more needs to be done to increase security at our borders, it should not be a barrier to producing a comprehensive bill.

Another important aspect of border security may not be as obvious and in this case, it is important to address what motivates illegal immigration. Many illegal migrants come to the US to find employment and there is currently no system in place to deter their hiring. A successful immigration bill must include a mandatory e-verify program. Not only would this decrease the flow of people coming to the US illegally, it would also allow border agents to focus on more serious criminal and smuggling organizations. In addition, it will drive more effective employment eligibility compliance by employers and help ICE concentrate its finite resources on those who deliberately disregard the law. If a mandatory program is implemented, it should be done in a thoughtful manner with an emphasis on accuracy and real-time updating. If implemented correctly, it will help target investigations, deter illegal employment at the employer and employee level and, I submit, will reduce the illegal flow of economic migrants.

Thank you again for the opportunity to contribute my personal views on such an important topic. I look forward to answering your questions at this time.